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8	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON			
9	AT TACOMA			
10	UNITED STATES OF AMERICA,			
11	Plaintiff,	NO. CR9	1-1096JET	
12	v.	ORDER		
13	TONY BIDDLES,			
14 15	Defendant.			
16				
17	THIS MATTER comes on before the above-entitled Court upon Defendant's Motion for			
18	Writ of Error Audita Querela.			
19	Having considered the entirety of the records and file herein, the Court finds and rules as			
20	follows: Defendent scales re-contensing by way of a Writ of Audita Quarala based upon United States			
21	Defendant seeks re-sentencing by way of a Writ of Audita Querela based upon United States v. Rooker, 125 S. Ct. 738 (January 12, 2005). The Defendant's sentence became final prior to the			
22	v. Booker, 125 S.Ct. 738 (January 12, 2005). The Defendant's sentence became final prior to the decision in Booker.			
23		es that hecame fina	Inrior to January 12, 2005	
24	Booker does not apply retroactively to cases that became final prior to January 12, 2005. Guzman v. United States, 2005 WL 80324 (2d Cir. (N.Y.)). Accordingly, it is hereby			
25	,,,	. (1.1. = 1)), 1.10001011	6 J, J	
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1	ORDERED that Defendant's Motion for Writ of Error Audita Querela is DENIED.		
2	The clerk of the court is instructed to send uncertified copies of this Order to all counsel of		
3	record.		
4	DATED this 31st of May, 2005.		
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6	/s JACK E. TANNER		
7	JACK E. TANNER SR. UNITED STATES DISTRICT JUDGE		
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